

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	CONSENT PRELIMINARY ORDER
	:	OF FORFEITURE/
- v. -	:	<u>MONEY JUDGMENT</u>
	:	
RAY DUNGEY,	:	23 Cr. 55 (RMB)
a/k/a "Reynaldo Medina,"	:	
a/k/a "El Don,"	:	
	:	
Defendant.	:	
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WHEREAS, on or about January 31, 2023, RAY DUNGEY (the "Defendant"), was charged in a Sealed Indictment, 23 Cr. 55 (RMB) (the "Indictment"), with conspiracy to alter or remove vehicle identification numbers, in violation of Title 18, United States Code, Section 371 (Count One); possession of forged security, in violation of Title 18, United States Code, Sections 513(a) and 2 (Counts Two and Three); conspiracy to commit odometer tampering, in violation of Title 18, United States Code, Section 371 (Count Four); and odometer tampering, in violation of Title 49, United States Code, Sections 32703(2) and 32709(b), and Title 18, United States Code, Section 2 (Count Five);

WHEREAS, the Indictment included a forfeiture allegation as to Count One, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Sections 982(a)(5) of any and all property, real or personal, which represents or is traceable to the gross proceeds obtained, directly or indirectly, as a result of the commission of the offense charged in Count One of the Indictment, including but not limited to a sum of money in United States currency representing the amount of gross proceeds traceable to the commission of the offense charged in Count One of the Indictment;

RMB
December 11, 2023

WHEREAS, on or about ~~May 9, 2024~~, the Defendant pled guilty to Count One of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(5), a sum of money equal to \$298,797 in United States currency, representing the gross proceeds obtained, directly or indirectly, as a result of the commission of the offense charged in Count One of the Indictment; and

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$298,797 in United States currency, representing the gross proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained;

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence; and

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney Brandon C. Thompson, of counsel, and the Defendant and his counsel, Jonathan A. Marvinny, Esq., that:

1. As a result of the offense charged in Count One of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$298,797 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant RAY DUNGEY, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to United States Customs and Border Protection, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Illicit Finance and Money Laundering Unit, 26 Federal Plaza, 38th Floor, New York, New York 10278 and shall indicate the Defendant's name and case number.

4. Upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, and pursuant to Title 21, United States Code, Section 853, United States Customs and Border Protection, or its designee the Office of Fines, Penalties, and Forfeiture shall be authorized to deposit the payment on the Money Judgment into the Treasury Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.


7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

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8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: 

BRANDON C. THOMPSON
Assistant United States Attorney
26 Federal Plaza, 37th Floor
New York, NY 10278
(212) 637-2444

5/13/2024

DATE

RAY DUNGEY

By: /s/ Ray Dungey
RAY DUNGEY

5/13/24

DATE

By: /s/ Jonathan Marvinny
JONATHAN A. MARVINNY, ESQ.
Attorney for Defendant
Federal Defenders of New York Inc.
52 Duane Street, 10th Floor
New York, NY 10007

5/13/24

DATE

SO ORDERED:



HONORABLE RICHARD M. BERMAN
UNITED STATES DISTRICT JUDGE

5/14/24

DATE